

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GRACE LAND II, LLC, et al.	:	CIVIL ACTION
	:	
v.	:	No. 18-5413
	:	
BRISTOL TOWNSHIP, et al.	:	

ORDER

AND NOW, this 30th day of September, 2019, upon consideration of Defendants Bristol Township, Bristol Township Zoning Hearing Board (ZHB), Craig Bowen, William McCauley, and Thomas Scott's (collectively, Individual Defendants) Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) and Motion to Strike Pursuant to Fed. R. Civ. P. 12(f), Plaintiffs Grace Land II, LLC (Grace Land) and Daybreak Treatment Solution's (Daybreak) opposition thereto, the parties' presentations at the April 10, 2019, oral argument on the Motion, and for the reasons set forth in the accompanying Memorandum, it is ORDERED the Motion (Document 12) is GRANTED in part and DENIED in part as follows:

1. Plaintiffs' claims for injunctive relief against all Defendants in Counts I, II, & III are DISMISSED as moot.
2. Plaintiffs' equal protection claim in Count I is DISMISSED without prejudice.
3. Plaintiffs' claims as against the Individual Defendants in their official capacities in Counts I, II, & III are DISMISSED with prejudice.
4. Plaintiffs' claim under the Rehabilitation Act against the Individual Defendants in their individual capacities in Count III is DISMISSED with prejudice.
5. Plaintiffs' claim under the Americans with Disabilities Act against the Individual Defendants in their individual capacities in Count II is DISMISSED with prejudice.
6. Defendants' Motion to Strike is DENIED.

7. The balance of the Motion is DENIED.

Plaintiffs shall have until October 14, 2019, to inform the Court whether they intend to file a second amended complaint correcting the pleading deficiencies identified in the accompanying Memorandum as to any claims dismissed without prejudice. Failure to notify the Court within the time permitted will result in the issuing of a scheduling order on Plaintiffs' surviving claims and dismissal of such claims with prejudice.

It is further ORDERED Plaintiffs' unopposed Second Motion to Supplement the Record on Defendants' Motion to Dismiss (Document 18) is GRANTED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.